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Date:	JUNE 22, 2005
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Client/Matter No.:	GP-303944 (2760/129)
# of Pages:	21

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TRANSMITTAL FORM

(to be used for all correspondance after initial filing)

Attorney Docket No	GP-303944 (2760/129)
Application Number	10/650,549
Filing Date	AUGUST 28, 2003
First Named Inventor	CHRISTOPHER L. OESTERLING
Group Art Unit	3661
Examiner	BEAULIEU, YONEL

ENCLOSURES *(check all that apply)*

☐	Amendment	☐	Assignment Papers	☐	Appeal Communication to Board of Appeals and Interferences
☐	After Final	☐	Drawing Sheets	☒	**Appeal Brief**
☐	Affidavits/declaration(s)	☐	After Allowance Communication to Group	☐	Proprietary Information
☐	Status Letter	☐	Petition Routing Slip (PTO/SB/69) and Accompanying Petition	☐	Post Card Receipt
☐	One Month Petition for Extension of Time Request (dup)	☐	To Convert a Provisional Application	☐	Additional Enclosure(s) *(please identify below)*.
☐	Express Abandonment Request	☐	Change of Correspondence Address	☐	
☐	Information Disclosure Statement, PTO-1449	☐	Terminal Disclaimer	☐	
☐	Certified Copy of Priority Document(s)	☐	Small Entity Statement	☐	
☐	Response to Missing Parts/ Incomplete Application	☐	Request of Refund	☐	

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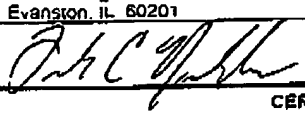
	Claims After Amendment		Highest No Previously Paid For	Present Extra
Total		Minus		0
Indep		Minus		0
First Presentation of Multiple Dep. Claim				

Small Entity		or	Large Entity	
Rate	Add'l Fee		Rate	Add'l Fee
x $25=	0		x $50=	
x $100=	0		x $200=	
+$180=	—		+$360=	
total add'l fee	$ 0		total add'l fee	$ 0

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	FRANK C. NICHOLAS Registration No. 33,983 CARDINAL LAW GROUP 1603 Orrington Avenue, Suite 2000 Evanston, IL 60201		
Signature		Date	June 22, 2005

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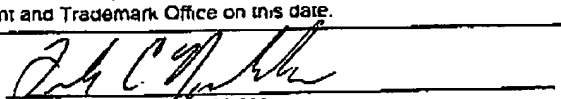
Signature	 FRANK C. NICHOLAS (33,983)	Date	June 22, 2005

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Total		Minus		0	x $25=	0		x $50=	
Indep		Minus		0	x $100=	0		x $200=	
First Presentation of Multiple Dep. Claim					+$180=	---		+ $360=	
					total add'l fee	$ 0		total add'l fee	$ 0

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	FRANK C. NICHOLAS Registration No. 33,983 CARDINAL LAW GROUP 1603 Orrington Avenue, Suite 2000 Evanston, IL 60201		
Signature		Date	June 22, 2005

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FRANK C. NICHOLAS (33,983)
Name of applicant, assignee or registered representative

Signature

June 22, 2005
Date of Signature

PATENT
Case No.: GP-303944
(2760/129)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

CHRISTOPHER L. OESTERLING

Serial No.: 10/650,549

Filed: AUGUST 28, 2003

Title: METHOD AND SYSTEM FOR PROVIDING A CARPOOL SERVICE USING A TELEMATICS UNIT

Examiner: BEAULIEU, Y.

Group Art Unit: 3661

APPEAL BRIEF

Mail Stop Appeal Briefs - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Appellant herewith respectfully presents his Brief on Appeal as follows:

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1. REAL PARTY IN INTEREST

The real party in interest is Assignee General Motors Corporation, a corporation having an office and a place of business at 300 Renaissance Center, Detroit, Michigan, 48265-3000 by virtue of an assignment executed by the inventor on August 27, 2003 and filed with the United States Patent and Trademark Office on August 28, 2003, recorded at reel number 014445 frame number 0676.

2. RELATED APPEALS AND INTERFERENCES

Appellant and the undersigned attorneys are not aware of any appeals or any interferences which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

3. STATUS OF CLAIMS

Claims 1-4, 6-11, 13-17 and 19-21 stand rejected as anticipated by United States Patent No. 6,697,730 to Dickerson.

Claims 1-4, 6-11, 13-17 and 19-21 are the claims on appeal. *See*, Appendix.

4. STATUS OF AMENDMENTS

All claim amendments have been entered.

5. SUMMARY OF CLAIMED SUBJECT MATTER

In this summary of claimed subject matter, all citations are to the specification of United States Patent Application 10/650,549 filed on August 28, 2003. Further, all citations are illustrative only and support for the cited element may be found elsewhere in the specification.

The invention relates to a method 200 (FIG. 2) for providing carpool service using a telematics system and a system 100 (FIG. 1) for implementing this method. The method of providing car pooling assistance through a wireless communication system begins with receiving a carpool enrollment request from a user (Block 210, pg. 10 lines 14-16) and then obtaining the positional information of the user's moving vehicle 110 (Block 230, pg. 10 lines 29-30). The positional information of the user's moving vehicle is stored as a route (Block 250, pg. 12 lines 5-7) in a call center database 154. The user's stored route is linked to the user's carpool enrollment request that was previously received to create a user profile (pg. 12 lines 11-14). The method continues by sending at least one available match based on the carpool enrollment request to the first user (Block 275 & 280, pg. 13 lines 16 to pg. 14 line 9).

System 100 for providing car pooling assistance through a wireless communication system includes means for receiving a user carpool enrollment request (See pg. 9 line 26 to pg. 10 line 16); means for obtaining the positional information of the user's moving vehicle (See pg. 10 line 17 to pg. 11 line 26); means for storing the positional information as a route in a call center database (See pg. 11 line 27 to pg. 12 line 15); linking the user's stored route to the received user's carpool enrollment request to create a user profile (See pg. 12 lines 11-14); and means for sending at least one available match based on the carpool enrollment request to the user (See pg. 14 lines 2-9).

6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-4, 6-11, 13-17 and 19-21 were rejected under 35 U.S.C. §102(e) under Dickerson.

7. GROUPING OF CLAIMS

Claims 1-4, 6-11, 13-17 and 19-21 should be considered as one group, standing or falling with claim 1.

8. ARGUMENTS

Claims 1-4, 6-11, 13-17 and 19-21 were rejected under 35 U.S.C. §102(e) as being anticipated by Dickerson.

Dickerson does not disclose each element of the invention

Dickerson fails to disclose each and every element of the Appellants' invention as claimed, as required to maintain a rejection under 35 U.S.C. §102(e). *See* MPEP 2131. Therefore, the §102(e) rejection of claims 1-4, 6-11, 13-17 and 19-21 is traversed.

Dickerson fails to disclose, teach, or suggest obtaining the positional information of the user's moving vehicle, storing the positional information as a route in a call center database and linking the user's stored route to the received user's carpool enrollment request to create a user profile and sending at least one available match based on the carpool enrollment request to the first user as recited in claim 1.

The Examiner cites to FIG. 9 of the Dickerson patent to teach the claim limitations of obtaining the positional information of the user's moving vehicle and storing the positional information as a route in a call center database. However, FIG. 9, as well as the entirety of the Dickerson patent, makes it clear that the user/passenger is separate from the vehicle. FIG. 9 illustrates that the user requesting the services of a vehicle is separate and distinct from the vehicle that responds to the request. This separation between the user and the vehicle makes it clear that the Dickerson patent does not teach "obtaining the positional information of the user's moving vehicle and storing it as a route in a call center database" as recited in claim 1. Therefore, because the Dickerson patent does not teach or disclose obtaining and storing a user's route, the Dickerson patent also does not teach "linking the user's stored route to the received user's carpool enrollment request to create a user profile" as recited in claim 1.

The distinction between the user and the passenger is made more clear by the fact that the Dickerson patent merely teaches using GPS to determine the real time location of the vehicle sent to pick up the passenger (see col. 11 lines 42 to 65 and col. 14 lines 16 to 25). The Dickerson patent does not teach or suggest obtaining and storing GPS information of a user's vehicle as a "route in a call center database" as claimed by the Appellant. Dickerson merely teaches having GPS as part of the communication device of the vehicle and using the GPS information for providing real time location information for a vehicle and providing this information to a user to let the user know how close the vehicle is to a pick-up location (see col. 11 lines 62 to 65).

Therefore, claim 1 is not anticipated by Dickerson. Claims 1-4, 6-11, 13-17 and 19-21 are patentable over Dickerson.

SUMMARY

The Appellants respectfully submit that claims 1-4, 6-11, 13-17 and 19-21 fully satisfy the requirements of 35 U.S.C. §§102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested.

Dated: June 22, 2005

Respectfully submitted,
Christopher L. Oesterling

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10. APPENDIX

1. (Previously Presented) A method of providing car pooling assistance through a wireless communication system, the method comprising:

receiving a user carpool enrollment request

obtaining the positional information of the user's moving vehicle;

storing the positional information as a route in a call center database;

linking the user's stored route to the received user's carpool enrollment request to create a user profile; and

sending at least one available match based on the carpool enrollment request to the first user.

2. (Original) The method of claim 1 wherein obtaining the positional information of the moving vehicle comprises obtaining the positional information through a global positioning system.

3. (Original) The method of claim 1 further comprising:

recording the positional information obtained for the moving vehicle; and

transmitting the recorded positional information from the vehicle to the call center.

4. (Original) The method of claim 1 wherein the positional information further comprises time information.

5. (Cancelled)

6. (Previously Presented) The method of claim 1 further comprising comparing the user profile to at least one subscriber profile, the subscriber profile including at least a carpool enrollment request.

7. (Original) The method of claim 6 further comprising generating a list of at least one subscriber profile that matches the user profile.

8. (Previously Presented) A computer usable medium including a program for providing car pooling assistance through a wireless communication system, the computer usable medium comprising:

computer program code for receiving a user carpool enrollment request

computer program code for obtaining the positional information of the user's moving vehicle;

computer program code for storing the positional information as a route in a call center database;

computer program code for linking the user's stored route to the received user's carpool enrollment request to create a user profile; and

computer program code for sending at least one available match based on the carpool enrollment request to the user.

9. (Original) The computer usable medium of claim 8 wherein the computer program code for obtaining the positional information of the moving vehicle comprises computer program code for obtaining the positional information through a global positioning system.

10. (Original) The computer usable medium of claim 8 further comprising:

computer program code for recording the positional information obtained for the moving vehicle; and

computer program code for transmitting the recorded positional information from the vehicle to the call center.

11. (Original) The computer usable medium of claim 8 wherein the positional information further comprises time information.

12. (Cancelled)

13. (Previously Presented) The computer usable medium of claim 8 further comprising computer program code for comparing the user profile to at least one subscriber profile, the subscriber profile including at least a carpool enrollment request.

14. (Original) The computer usable medium of claim 13 further comprising computer program code for generating a list of at least one subscriber profile that matches the user profile.

15. (Previously Presented) A system of providing car pooling assistance through a wireless communication system, the system comprising:

means for receiving a user carpool enrollment request

means for obtaining the positional information of the user's moving vehicle;

means for storing the positional information as a route in a call center database;

linking the user's stored route to the received user's carpool enrollment request to create a user profile; and

means for sending at least one available match based on the carpool enrollment request to the user.

16. (Original) The system of claim 15 wherein the means for obtaining the positional information of the moving vehicle comprises means for obtaining the positional information through a global positioning system.

17. (Original) The system of claim 15 further comprising:

means for recording the positional information obtained for the moving vehicle; and

means for transmitting the recorded positional information from the vehicle to the call center.

18. (Cancelled)

19. (Previously Presented) The system of claim 15 further comprising means for comparing the user profile to at least one subscriber profile, the subscriber profile including at least a carpool enrollment request.

20. (Original) The system of claim 19 further comprising means for generating a list of at least one subscriber profile that matches the user profile.

21. (Previously Presented) A method for providing car pooling assistance through a wireless communication system, the method comprising:

receiving a first user carpool enrollment request;

obtaining a positional information for a first user moving vehicle;

associating the positional information of the first user moving vehicle with the first user carpool enrollment request;

receiving a plurality of additional user carpool enrollment requests

comparing the positional information associated with the first user carpool enrollment request with the plurality of additional user carpool enrollment requests to determine a match; and

sending at least one match responsive to the first user carpool enrollment request based on the comparison.

Evidence Appendix

None

Related Proceedings Appendix

None.